IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6553 OF 2004

Rupee Co-operative Bank Limited.] .. Petitioner

Versus

1. Shri Shivneri Sahakari Bank Ltd. & 2 ors.] .. Respondents

Mr. S.A. Kumbhakoni i/b Mr. Sushil Nimbkar for the petitioner.

CORAM: R.M. LODHA, J.

DATED: 21ST JULY, 2006

P.C. :

. At the outset, Mr. S.A. Kumbhakoni, Advocate appeared and submitted that Mr. Sushil Nimbkar, Advocate for the petitioner is held up in Debt Recovery Appellate Tribunal and the matter may be kept back. In this Court, matters are neither adjourned nor kept back merely because a lawyer is held up before the Tribunal.

2. I asked Mr. S.A. Kumbhakoni, Advocate to proceed with the matter, but he submitted that he has no instructions to argue the matter.

3. I perused the Writ Petition. The petitioner,

is a Cooperative Society and carries on banking business. The respondent No.1 - Shri Shivneri Sahakari Bank Limited is also a Cooperative Society and is involved in banking business. By this Writ Petition, the petitioner seks Mandamus against the respondent No.1 to make payment of Bills No.53 to 56 as per letter of credit dated 10th December, 2001 along with interest. I am afraid, Writ Petition is wholly misconceived and rather an abuse of process of the Court. The petitioner must pursue an appropriate remedy available to it under law for redressal of its grievance but surely it cannot be granted relief in extra ordinary jurisdiction.

. Writ Petition is dismissed in limine.

Sd/-
[R.M. LODHA, J.]